UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

United States of America,	
Plaintiff,)
v.) Civil No.
One Mossberg 590 Shotgun, Serial No. V0757011;) JURY TRIAL REQUESTED
One New England Firearms SB1, Serial No: NL357166;)
One Sig Sauer P238, Serial No: 27B343412; and)
One Ruger LCR, Serial No: 1541-19095, all seized from Melissa A. Moody,))
Defendants in rem.)) _)

VERIFIED COMPLAINT FOR FORFEITURE IN REM, FOR PROPERTY WITHIN THE UNITED STATES' POSSESSION, CUSTODY OR CONTROL PURSUANT TO SUPPLEMENTAL RULE G

Plaintiff, United States of America, brings this Complaint according to Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, and alleges:

NATURE OF THE ACTION

This is an action to forfeit and condemn to the use and benefit of the United States of America the captioned defendants *in rem* pursuant to 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 881(a)(6),(11).

JURISDICTION AND VENUE

The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a). Venue is proper in this district pursuant to 28 U.S.C. §§ 1395 and 1355(b)(1).

THE DEFENDANTS IN REM

The defendants *in rem* are the following properties: (1) One Mossberg 590 Shotgun, Serial No. V0757011; (2) One New England Firearms SB1, Serial No: NL357166; (3) One Sig Sauer P238, Serial No: 27B343412; (4) One Ruger LCR, Serial No: 1541-19095, all seized from Melissa A. Moody. The defendants *in rem* are currently in the custody of the Drug Enforcement Administration (DEA).

FACTS

- 1. Beginning in May 2018, the DEA's Manchester District Office (MDO) started investigating Jacob S. MacQuarrie (MacQuarrie) for a large scale methamphetamine distribution enterprise. MacQuarrie was using the dark web¹ and cryptocurrencies² to purchase pounds of methamphetamine, and shipping the drugs to his address. Agents learned that MacQuarrie possessed multiple firearms and that he had purchased some during the investigation. He was known to brag that he would "go out with a bang" if law enforcement officers tried to arrest him.
- 2. On November 8, 2018, law enforcement officers arrested MacQuarrie and took him into custody. Officers found cash, narcotics, and a loaded handgun on him. Later that day, members of the DEA (MDO) executed a federal search and seizure warrant at the residence of Jacob S. MacQuarrie and his girlfriend, Melissa A. Moody (Moody), 197 Bridge Street Apartment 4, Manchester, New Hampshire. Agents seized approximately 247.49 grams of methamphetamine and approximately 60.29 grams of marijuana from the residence, along with drug paraphernalia. Officers also seized: a drug ledger; \$26,960.00 in U.S. Currency; the defendants *in rem*, (1) One Mossberg 590 Shotgun, Serial No. V0757011; (2) One New England

¹ The "dark web" is part of the internet that is not indexed by search engines.

^{2 &}quot;Cryptocurrencies" are digital assets used as a medium of exchange; they are created with encryption technologies.

Firearms SB1, Serial No: NL357166; (3) One Sig Sauer P238, Serial No: 27B343412; (4) One Ruger LCR, Serial No: 1541-19095, and two stolen firearms from a safe in the bedroom.

- 3. Moody lived at the residence during the entirety of the DEA investigation and was present for the execution of the search warrant.
- 4. On December 6, 2018, a federal grand jury indicted MacQuarrie and charged him with conspiracy to distribute, possession with intent to distribute, 50 grams or more of methamphetamine, and possession of a firearm in furtherance of a drug trafficking crime. *United States v. Jacob MacQuarrie*, Cr. No. 18-cr-201-JL, DN 1.

FIRST CLAIM FOR FORFEITURE 21 U.S.C. § 881(a)(6)

- 5. The allegations contained in paragraphs 1-4 of this Verified Complaint for Forfeiture *in Rem* are incorporated by reference.
- 6. Title 21, U.S.C. § 881(a)(6) subjects to forfeiture "all moneys ... or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or ... all proceeds traceable to such an exchange and all moneys ... used or intended to be used to facilitate any violation of" the Controlled Substances Act.
- 7. The defendants *in rem* (1) through (4) are firearms that were furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq., or represents proceeds traceable to such exchanges, or money used or intended to be used to facilitate violations of the Act. As a result, defendants *in rem* (1) through (4) are liable for condemnation and forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

SECOND CLAIM FOR FORFEITURE 21 U.S.C. § 881(a)(11)

- 8. The allegations contained in paragraphs 1 through 7 of this Verified Complaint for Forfeiture *in Rem* are incorporated by reference.
- 9. Pursuant to 21 U.S.C. § 881(a)(11), "any firearm...used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property...and any proceeds traceable to such property."
- 10. The defendant *in rem* (1) through (4) are firearms involved or used in violation of 21 U.S.C. §§ 846 & 841(b)(1)(A)(viii), and are subject to seizure and forfeiture.
- 11. As a result, the defendants *in rem* (1) through (4) are liable to condemnation and forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(11).

THIRD CLAIM FOR FORFEITURE 18 U.S.C. § 924(d)(1)

- 12. The allegations contained in paragraphs 1 through 11 of this Verified Complaint for Forfeiture *in Rem* are incorporated by reference.
- 13. Pursuant to 18 U.S.C. § 924(c), it shall be unlawful for any person who, during and in relation to any crime of violence or drug trafficking crime . . . uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm. Pursuant to 18 U.S.C. § 924(d)(1), any firearm or ammunition involved or used in violation of 18 U.S.C. § 924(c) shall be subject to seizure and forfeiture.
- 14. By reason of the facts set forth and incorporated here, the defendants *in rem* (1) through (4) are firearms liable to condemnation and forfeiture to the United States of America, pursuant to 18 U.S.C. § 924(d)(1).

Therefore, the United States requests that:

(a) the Clerk of Court issue a Warrant of Arrest in Rem, in the form submitted with this Verified Complaint, to the Drug Enforcement Administration, commanding them to arrest

the defendants in rem;

this matter be scheduled for a jury trial; (b)

judgment be entered against the defendants in rem; (c)

(d) the defendants in rem be disposed of according to law; and

this Court grant the United States its costs and whatever other relief to which it (e)

may be entitled.

Dated: July 8, 2019

Respectfully submitted,

SCOTT W. MURRAY United States Attorney

By: /s/ Robert J. Rabuck

Robert J. Rabuck

NH Bar # 2087

Assistant U.S. Attorney

District of New Hampshire

53 Pleasant Street

Concord, New Hampshire

603-225-1552

rob.rabuck@usdoj.gov

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VERIFICATION

I, Galen Doud, being duly sworn, depose and say that I am a Special Agent assigned to the Drug Enforcement Administration, and as such have responsibility for the within action, that I have read the contents of the foregoing Verified Complaint for Forfeiture *in rem* and know the contents therein, and that the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are official records and files of the United States and the State of New Hampshire, and information obtained by me and other law enforcement officers during an investigation of alleged violations of the controlled substances laws of the State of New Hampshire and of the United States.

/s/ Galen Doud Galen Doud

STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

Subscribed and sworn to before me this 8th day of July 2019.

/s/ Francine Doucette Conrad Notary Public

My commission expires: March 27, 2024.

Defendants in rem

One Mossberg 590 Shotgun, Serial No. V0757011;)))
One New England Firearms SB1, Serial No: NL357166;)))
One Sig Sauer P238, Serial No: 27B343412; and)))
One Ruger LCR, Serial No: 1541-19095, all seized from Melissa A. Moody,)))
Defendants in rem.))

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

L (a) DI AINTEER	Seket sheet. (SEE hysTkOC	TIONS ON NEXT FAGE OF		١	
I. (a) PLAINTIFFS			DEFENDANTS		
·	F First Listed Plaintiff **CEPT IN U.S. PLAINTIFF CA Address, and Telephone Numbe	,	NOTE: IN LAND C	e of First Listed Defendant	,
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)	III. CITIZENSHIP OF P	PRINCIPAL PARTIES	(Place an "X" in One Box for Plaintif
□ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government I	Not a Party)		TF DEF 1 1	
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citizen of Another State	1 2	
			Citizen or Subject of a Foreign Country	1 3	□ 6 □ 6
IV. NATURE OF SUIT				D I NIVID VIDE CIV	O WAXNE COLUMN TO A STATE OF THE STATE OF TH
CONTRACT □ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY □ 310 Airplane □ 315 Airplane Product Liability □ 320 Assault, Libel &	PERSONAL INJURY 365 Personal Injury - Product Liability Pharmaceutical Personal Injury Product Liability Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITION Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Othe 550 Civil Rights 555 Prison Conditions of Confinement	of Property 21 USC 881 690 Other	BANKRUPTCY □ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 840 Trademark SOCIAL SECURITY □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI □ 865 RSI (405(g)) FEDERAL TAX SUITS □ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS—Third Party 26 USC 7609	OTHER STATUTES □ 375 False Claims Act □ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations □ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Commodities/ Exchange □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 893 Environmental Matters □ 895 Freedom of Information Act □ 896 Arbitration □ 899 Administrative Procedure Act/Review or Appeal of Agency Decision □ 950 Constitutionality of State Statutes
	moved from	Appellate Court	(specify	er District Litigation	
VI. CAUSE OF ACTIO			re filing (Do not cite jurisdictional sta	tutes unless diversity):	
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER RULE 2	IS A CLASS ACTION 3, F.R.Cv.P.	N DEMAND \$	CHECK YES only JURY DEMAND:	if demanded in complaint:
VIII. RELATED CASE IF ANY	(See instructions):	JUDGE		DOCKET NUMBER	
DATE		SIGNATURE OF ATT	TORNEY OF RECORD		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- **IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

United States of America,	
Plaintiff,	
v.)	Civil No
One Mossberg 590 Shotgun, Serial No. V0757011;	
One New England Firearms SB1, Serial No: NL357166;	
One Sig Sauer P238, Serial No: 27B343412; and	
One Ruger LCR, Serial No: 1541-19095, all seized) from Melissa A. Moody,)	
Defendants in rem.)	

SUMMONS AND WARRANT OF ARREST IN REM FOR ISSUANCE BY THE CLERK OF COURT FOR PROPERTY WITHIN THE UNITED STATES' POSSESSION, CUSTODY OR CONTROL PURSUANT TO SUPPLEMENTAL RULE G(3)(b)(I)

To the Drug Enforcement Administration, or any duly authorized Federal Law Enforcement Officer for the District of New Hampshire:

Pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Certain Admiralty and Maritime Claims, a Verified Complaint for Forfeiture in Rem has been filed on July 8, 2019, in the U.S. District Court for the District of New Hampshire, alleging that the following property is subject to forfeiture to the United States on the following grounds: (1) One Mossberg 590 Shotgun, Serial No. V0757011; (2) One New England Firearms SB1, Serial No: NL357166; (3) One Sig Sauer P238, Serial No: 27B343412; (4) One Ruger LCR, Serial No: 1541-19095, all seized from Melissa A. Moody, for violations of 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 881(a)(6),(11).

YOU ARE, THEREFORE, COMMANDED to seize the captioned defendants *in rem*, and use discretion and whatever means appropriate to protect and maintain the property pending the outcome of this action;

IT IS FURTHER ORDERED that the Drug Enforcement Agency shall maintain custody of the defendants *in rem* until further order of this Court, and shall use his discretion and whatever means appropriate to protect and maintain said defendants *in rem*;

IT IS FURTHER ORDERED that the United States shall serve upon all potential claimants to the defendants *in rem*, a copy of this Summons and Warrant of Arrest *in rem*, and the Verified Complaint for Forfeiture *in Rem*, in a manner consistent with the principles of service of process in an action *in rem* under Supplemental Rule G and other Supplemental Rules for Certain Admiralty and Maritime Claims and Title 18, United States Code, Section 983(a);

IT IS FURTHER ORDERED that a return of this Summons and Warrant of Arrest *in rem* shall be promptly made to the Court, identifying the individuals upon whom copies were served and the manner employed; and

IT IS FURTHER ORDERED that all persons claiming an interest in or right against the defendant *in rem* shall file their Verified Claims within thirty-five (35) days after the date on which they were sent the Notice of Complaint or the final publication of notice of the filing of the Complaint, whichever is earlier, or within such additional time as the Court may allow, pursuant to Title 18, United States Code, Section 983(a)(4) and Rule G(4)(b)(ii)(B) of the Supplemental Rules for Certain Admiralty and Maritime Claims, and shall serve and file their Answers to the Complaint within twenty-one (21) days after the filing of their Verified Claims, pursuant to Rule G(4)(b)(ii)(C) of the Supplemental Rules for Certain Admiralty and Maritime Claims, with the Office of the Clerk, United States District Court for the District of New

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Hampshire, with a copy sent to Assistant Unit	ed States Attorney Robert J. Rabuck, United States	
Attorney's Office, District of New Hampshire, 53 Pleasant Street, Concord, NH 03301.		
Dated:		
	DANIEL J. LYNCH, CLERK	